



WeCAN Legislation Committee

Phase 2 **Survey Evaluation**

Approved on:

November 3, 2009

This Report Is Respectfully Submitted
On Behalf Of The WeCAN Legislation Committee
By Wayne Eells.



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INTRODUCTION

1 Introduction

1.1 History and Purpose of Committee

At the July 28, 2009 meeting of WeCAN the presented topic was on foreclosures and Homeowner Associations. Scott Tanner of the Tanner Law Group which provides legal services for Homeowner Associations answer the many questions of the HOA Communities.

Mayor Cook asked if the City of Westfield should be doing more to help the Homeowners Associations have similar protective covenants in the city. As there is currently no lobbying at the state level on behalf of the HOAs in Indiana, Mr. Tanner suggested that WeCAN form a Legislation Committee and that they not only start working on behalf of the communities in Westfield, but also work the neighboring cities like Carmel, Noblesville and Fishers.

WeCAN liked the suggestion and several members volunteered to create the WeCAN Legislation Committee.

1.2 Committee Members

Chair of the Committee Ron Rothrock (*Centennial*)

Tony Ancich (*Ashfield*)

Pat Hillenmeyer (*Village Farms*)

Wayne Eells (*Springmill Villages*)

Tom Smith (*Support, City of Westfield*)

Tammy Havard (*Support, City of Westfield*)

1.3 First Step

At the August 25, 2009 WeCAN meeting, the Legislation Committee proposed a survey that all the Westfield communities could complete. The survey consisted of questions that measured the level of the communities' concern and several open questions to expand on the biggest concerns. WeCAN reviewed and clarified points in the survey before posting it to the WeCAN webpage. Additionally, instructions to complete the survey were emailed to the Westfield communities.

The survey is provided in the index for referencing purposes.

2 WeCAN Communities

2.1 Reporting Communities

The following communities completed the WeCAN Legislation Committee survey about problems in their individual community:

- 1 Centennial
- 2 Mulberry Farms
- 3 Woodside Estates
- 4 Springdale Farms
- 5 Brookside
- 6 Setters Run
- 7 Coverdale
- 8 Sandpiper Lakes
- 9 Silver Lakes Homeowners Inc.
- 10 Setters Run HOA
- 11 Silver Thorne

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- 12 Ashfield
- 13 The Village Farms, Inc
- 14 Grassy Knoll Subdivision
- 15 SpringMill Villages

2.2 Non-Reporting Communities

No response on the WeCAN Legislation Committee survey was received from the following communities:

Ashley Place Apartments
Beacon Point
Bridgewater
Bridgewater Commons
Bridgewater Pointe
Bridlewood
Broadway Addition
Brookside
Carey Commons
Carey Glen
Cherry Wood Ct
Cool Creek Circle
Countryside
Crestview
Crosswind Commons
Downtown Westfield Neighborhood
Emerald Place
Farr Hills
Harvest Meadows
Maple Knoll
Maples at Spring Mill
Merrimac
Morgan Woods
Oak Manor
Oak Manor Villages (Hills Community)
Oak Park
Oak Ridge
Oak Ridge Crossing
Pine Ridge
Pines of Westfield
Quail Ridge
Shadow Lakes
Sonoma
South Ridge



Summit Lakes
Village Park Estates
Villas at Oak Ridge
Washington Township Neighborhood Trust (WTNT)
Westfield Farms
Willow Creek
Woodshire Subdivision

MEETING RECAP

3 Meeting Recap of October 13, 2009

On October 13, 2009 the Legislation Committee met at the Westfield City Hall to review the results of the survey that was provided to all the Homeowner Communities in Westfield. During the meeting as the information was discussed, the committee determined that there were categories of items that could be addressed by only providing informational support to the Homeowner Associations in Westfield and other items that could be addressed actively by participation, involvement and legislative action at city, county and/or state levels.

INFORMATIONAL CATEGORIES

4 Informational Categories

Some can cross categories, there may be instances where the items may appear in multiple categories.

4.1 Financial

- Collecting homeowners dues (*2 communities reporting*)
- Collecting past due accounts (*2 communities reporting, one reports arrears greater than 2 years on many HOA members*)
- We are small and the fee for our management company is more than half of our budget

4.2 Volunteers

No communities reported any specific issues in this category.

4.3 Current Management

- Finding a business to take care of our modest landscaping at the entrances.
- We are small and the fee for our management company is more than half of our budget

4.4 Vendors

- Finding a business to take care of our modest landscaping at the entrances.

4.5 Board Governance

- Finding a business to take care of our modest landscaping at the entrances.
- New trash service (dumpsters to big and being left out)
- Absentee ownership, rental properties. No ability to prevent or limit number.
- Collections of dues (*2 communities reporting*)



- Collections of past due accounts (*2 communities reporting, one reports arrears greater than 2 years on many HOA members*)
- Trying to work out a sale of our neighborhood to Pine Tree for commercial development.

ACTIVE CATEGORIES

5 Active Categories

Some can cross categories, there may be instances where the items may appear in multiple categories.

5.1 Architectural

- Enforcing the architectural standards
- Building stuff without approval from our covenant committee
- Architectural Request or lack of changes involving easements setbacks, etc. Home owners will by pass us and go to the city for approval or building permit with no plan submission to us (HOA). The reverse happens and they come to us and we need to insure compliance with the city. Follow up by city to HOA on project requests would be helpful. HOA requests sent to city to for plan review so city is ok with project. Both the HOA and City may need signoffs on certain requests.

5.2 Covenants

- Enforcement of covenants. (*4 communities reporting*)
- Covenant violations (*4 communities reporting*)
- Enforcing the architectural standards
- Building stuff without approval from our covenant committee
- New trash service, New trash bins are too big and being left outside.
- Upkeep on foreclosures and vacant homes (*4 communities reporting*)
- Upkeep on Homes and Yards, including weeds and grass (*4 communities reporting*)
- Absentee ownership, rental properties. No ability to prevent or limit number.

5.3 Transition

- We are still under Langston Development direction
- Trying to work out a sale of our neighborhood to Pine Tree for commercial development.
- Reserve Study
- transition to new board – Election of board notification, elections, property management, vendors

5.4 City Ordinances

- Minor code enforcement issues
- Zoning code enforcement, Needs to be more proactive
- Parking on the streets (*2 communities reporting*)
- Trespassing and fishing in and around our retention pond
- Solicitors are a huge problem (*2 communities reporting*)
- Traffic -- people speeding through the neighborhood. (*5 communities reporting*)



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- Vandalism caused (presumably) by teenagers to our amenities (*4 communities reporting*)
- Dog waste not being picked up by homeowners (*4 communities reporting*)
- Lack of Leash Law Enforcement
- Unlicensed vehicles parked (stored) on property and on the street
- Barking Dogs,
- Upkeep on foreclosures and vacant homes (*4 communities reporting*)
- Upkeep on Homes and Yards, including weeds and grass (*4 communities reporting*)
- Parking on the Streets during snow removal periods, maybe adopt odd/even parking during plowing times
- Architectural Request or lack of changes involving easements setbacks, etc. Home owners will by pass us and go to the city for approval or building permit with no plan submission to us (HOA). The reverse happens and they come to us and we need to insure compliance with the city. Follow up by city to HOA on project requests would be helpful. HOA requests sent to city to for plan review so city is ok with project. Both the HOA and City may need signoffs on certain requests.

NEXT STEP

6 Next Step

The Legislation Committee's next step will be to attempt to meet twice before the end of the year and begin developing a plan to address both the Informational and Active categories of items that were developed from the survey results.

**APPENDIX****7 Appendix**

Legislation Committee Survey

[Exit this survey](#)**1. Survey**

The purpose of the WeCAN Legislation Committee is to research the common problems, issues, challenges and recommendations of HOAs in Westfield. As a first step, we have created a survey for you to help us identify where we should go next. We appreciate your time and input! Your feedback is important for us, other HOAs and Westfield.

1. What is the name of your community?

What is the name of your community?

2. Who can we contact for the next steps?

Who can we contact for the next steps? Name

Phone Number

Email

3. Please list how many of each type is in your community.

Please list how many of each type is in your community.

Single Family

Condo/Townhome/Multifamily

Commercial

Other

4. Please indicate your choices below. Feel free to comment on specific information in the "Other" box.

	No problems	Few problems	Have major problems	Can foresee problems in the future	N/A
Financial (foreclosures, bankruptcies, collections, budgetary)	<input type="checkbox"/> Please indicate your choices below. Feel free to comment on specific information in the "Other" box. Financial (foreclosures,	<input type="checkbox"/> Few problems	<input type="checkbox"/> Have major problems	<input type="checkbox"/> Can foresee problems in the future	<input type="checkbox"/> N/A



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	No problems	Few problems	Have major problems	Can foresee problems in the future	N/A
	bankruptcies, collections, budgetary) No problems				
Architectural (violations and enforcement for pets, yards)	<input checked="" type="checkbox"/> Architectural (violations and enforcement for pets, yards) No problems	<input checked="" type="checkbox"/> Few problems	<input checked="" type="checkbox"/> Have major problems	<input checked="" type="checkbox"/> Can foresee problems in the future	<input checked="" type="checkbox"/> N/A
Covenants/Restrictions/Declarations (thoroughness, consistency, understandable)	<input checked="" type="checkbox"/> Covenants/Restrictions/Declarations (thoroughness, consistency, understandable) No problems	<input checked="" type="checkbox"/> Few problems	<input checked="" type="checkbox"/> Have major problems	<input checked="" type="checkbox"/> Can foresee problems in the future	<input checked="" type="checkbox"/> N/A
Volunteers (board, committees, etc)	<input checked="" type="checkbox"/> Volunteers (board, committees, etc) No problems	<input checked="" type="checkbox"/> Few problems	<input checked="" type="checkbox"/> Have major problems	<input checked="" type="checkbox"/> Can foresee problems in the future	<input checked="" type="checkbox"/> N/A
Current management company	<input checked="" type="checkbox"/> Current management company No problems	<input checked="" type="checkbox"/> Few problems	<input checked="" type="checkbox"/> Have major problems	<input checked="" type="checkbox"/> Can foresee problems in the future	<input checked="" type="checkbox"/> N/A
Transition from Developer to Homeowners	<input checked="" type="checkbox"/> Transition from Developer to Homeowners No problems	<input checked="" type="checkbox"/> Few problems	<input checked="" type="checkbox"/> Have major problems	<input checked="" type="checkbox"/> Can foresee problems in the future	<input checked="" type="checkbox"/> N/A
Vendors	<input checked="" type="checkbox"/> Vendors No problems	<input checked="" type="checkbox"/> Few problems	<input checked="" type="checkbox"/> Have major problems	<input checked="" type="checkbox"/> Can foresee problems in the future	<input checked="" type="checkbox"/> N/A
City ordinances (solicitors, signs, etc)	<input checked="" type="checkbox"/> City ordinances (solicitors, signs, etc) No problems	<input checked="" type="checkbox"/> Few problems	<input checked="" type="checkbox"/> Have major problems	<input checked="" type="checkbox"/> Can foresee problems in the future	<input checked="" type="checkbox"/> N/A

Other (please specify)



5. What is your neighborhood's biggest headache?

A large, empty rectangular box for text input, with a light gray border and a small gray square in the bottom right corner.

None

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